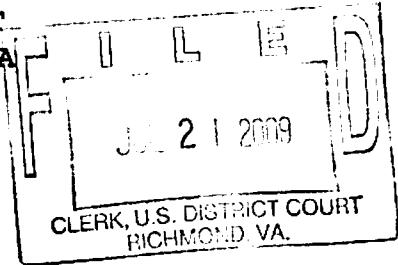


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



CARLOS MARTIN,

Plaintiff,

v.

Civil Action No. 3:08cv849

RICHMOND CITY POLICE DEPT., et al.,

Defendants.

ORDER

By Order entered herein on April 20, 2009 (Docket No. 17), the Defendant's Motion to Dismiss (Docket No. 7), the Defendant's Motion to Dismiss Amended Complaint (Docket No. 9), and the Defendant's Motion to Dismiss (Docket No. 15) were referred to Magistrate Judge Dennis W. Dohnal for Report and Recommendation.

Having reviewed the Report and Recommendation (Docket No. 24) entered on June 24, 2009, and having considered the record, it is hereby ORDERED that:

(1) the Report and Recommendation is adopted on the basis of the reasoning contained therein; and

(2) this action is dismissed with prejudice.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the Plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right of appeal.

It is so ORDERED.

/s/

REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 21, 2009